

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 5912 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.24618/2007 Dated 18/08/2007
CRIME NO.273/07 of KALLAMBALAM POLICE STATION

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: PETITIONERS/ACCUSED

1. A. ISMAIL,S/O.ALAYAKUNCHU,CHARUVILAVEEDU
VANCHIYOOR (POST) ALAMCODE-ATTINGAL,
THIRUVANANTHAPURAM DISTRICT.
2. A.SHAMSUDEEN,S/O. ALIYAR KUNJU,
MUTTAVILA VEEDU, PULLORMUKKU,
KUDAVOOR VILLAGE, KALLAMBALAM POST,
TRIVANDRUM DISTRICT.
3. S.SAFARULLA, S/O. SHEHABUDEEN,
MUTTAVILA VEEDU, PULLORMUKKU,
KUDAVOOR VILLAGE, KALLAMBALAM POST,
TRIVANDRUM DISTRICT.
4. S.SAMEER,S/O.SHAMSUDEEN,
MUTTAVILA VEEDU, PULLORMUKKU,
KUDAVOOR VILLAGE, KALLAMBALAM POST,
TRIVANDRUM DISTRICT.

BY ADV. SRI.VAKKOM N.VIJAYAN
SRI.R.SURESH
SMT.VINITHA PRASANNAN
SRI.P.ANIYAN
SRI.A.S.SACHIN

RESPONDENTS: RESPONDENTS

1. STATE OF KERALA,REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
KALLAMBALAM POLICE STATION, KALLAMBALAM,
THIRUVANANTHAPURAM.
3. NAHARSHA M, S/O. MOHAMMED HANEEFA,
SALIM MANZIL, PULLARMUKKU,
KUDAVOOR VILLAGE.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.5912 of 2007

Dated this the 8th day of October, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations in a crime registered, inter alia, for the offences punishable under Section 452 I.P.C. The crux of the allegations is that on account of prior animosity arising from disputes regarding a pathway, the petitioners had trespassed into the residential building of the defacto complainant and indulged in wanton acts of violence and mischief. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Totally false allegations are raised against the petitioners because of the prior animosity. In fact, there was an earlier crime registered as Crime No.269 of 2007. As a retaliation against that crime, false allegations are raised presently in this crime. The petitioners are innocent. They may be saved of the undeserved trauma of arrest and detention, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the application. He submits that appropriate conditions may be imposed in

the interests of a fair, efficient and expeditious investigation. In the counter case, the investigation is already complete. It has been referred as false.

4. Having considered all the relevant inputs, I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate conditions which shall adequately safeguard the interests of a fair, efficient and expeditious investigation.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 15.10.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 16.10.07 and 17.10.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 15.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 15.10.07.

(R.BASANT, JUDGE)

rtr/-